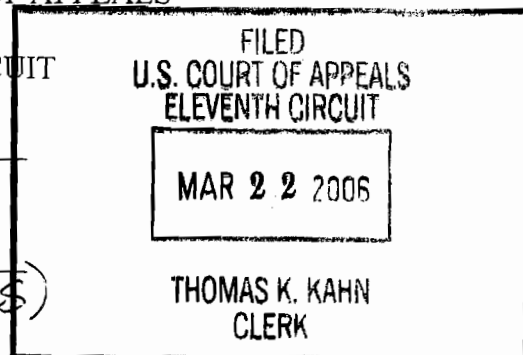


IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-10554-D

1:97 Cr 18 (WLS)



EDWIN LIONEL JONES,

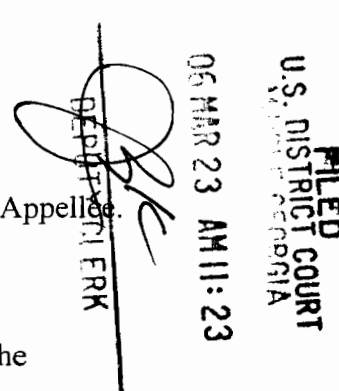
Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court for the
Middle District of Georgia



ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of the underlying claim, and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Because appellant's 28 U.S.C. § 2255 motion is time-barred, appellant has failed to satisfy the second prong of Slack. Accordingly, the motion for a certificate of appealability is DENIED.

A True Copy - Attest:
Clerk, U.S. Court of Appeals,
Eleventh Circuit

[Signature]
Deputy Clerk
Atlanta, Georgia

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED AS MOOT.

_____/s/ Stanley Marcus_____
UNITED STATES CIRCUIT JUDGE